

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR130
)	
vs.)	ORDER
)	
TERRY L. MULLER,)	
)	
Defendant.)	

This matter is before the court on the government's motion to continue by the trial of defendant Terry L. Muller (Muller) (Filing No. 20). The government seeks a continuance of the trial scheduled for January 17, 2006, because of various scheduling conflicts. Government's counsel represents that counsel for Muller has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The government's motion to continue trial (Filing No. 20) is granted.
2. Trial of this matter is re-scheduled for **February 27, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 11, 2006 and February 27, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness will be unavailable for trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 11th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge